




MEMORANDUM
OFFICE OF THE MAYOR

DATE: March 13, 2006

TO: Honorable Chairman Joe A. Martinez
Board of County Commissioners

FROM: 
Carlos Alvarez, Mayor
Miami-Dade County

SUBJECT: Ordinance Amending Conflict of Interest and Code of Ethics Ordinance

Public confidence in elected officials is the most precious commodity any government can count upon because, without that trust, it would be impossible to govern. It is our responsibility as elected officials of this great County to do everything possible to ensure that the public trust is protected. We must take steps to guarantee the highest levels of transparency in government and demand the highest ethical standards of our public servants.

To truly be effective, we must foster complete trust from our community. With this in mind, I am proposing amendments to the current Conflict of Interest and Code of Ethics ordinance that will help prevent even the mere perception of conflicts of interest. The draft ordinance is attached and summarized as follows:

- Extends the financial disclosure requirement to a third party for elected officials and high-level executives (the County Manager, Assistant County Managers, Department Directors, the County Attorney, and Assistant County Attorneys). For example, an Elected Official is employed by Company A. Company A has a business relationship with Company B. Company C (who has a contract with the County or is regulated by the County) is a client of Company B. The elected official would be required to file a sworn statement disclosing the name of the client or customer (Company C) **prior to taking any official action that directly affects said client or customer.**
- Require Department Directors and other specified personnel to annually file the state's Form 1 "Statement of Financial Interest." *Note: State law already requires elected officials to file the Form 6, which requires more detail than the Form 1. (Both forms are attached for your reference.)*
- Subject financial disclosure statements to random auditing by the Commission on Ethics and Public Trust.
- Post financial disclosure statements on-line in an easily accessible and searchable database.

Honorable Chairman Joe A. Martinez
Board of County Commissioners
March 13, 2006
Page 2

As Chairperson of the Board of County Commissioners (Board), you are in a unique position to take the lead in sponsoring this legislation. Because the ordinance is a work-in-progress, I welcome any comments or recommendations for improving the proposal. I urge you to place this item on the next Board agenda for first reading and forward it to the following Internal Management and Fiscal Responsibility Committee for further discussion.

As elected officials, we must demonstrate that we are accountable to our citizenry, and our ultimate purpose is to serve in the best interest of our community. I am looking forward to working with you and the full Board in promoting an environment of full disclosure in government.

Attachments

- c: Honorable Members, Board of County Commissioners
- Honorable Harvey Ruvin, Clerk of Courts
- George Burgess, County Manager
- Murray A. Greenberg, County Attorney
- Kay Sullivan, Director, Clerk of the Board
- Robert Meyers, Executive Director, Miami-Dade Commission on Ethics & Public Trust

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 2-11.1 (f) AND 2-11.1(i) OF THE CODE TO PROVIDE THAT ELECTED OFFICIALS AND DEPARTMENTAL PERSONNEL MUST DISCLOSE CLIENTS AND CUSTOMERS WHO HAVE SUBSTANTIAL BUSINESS INTERESTS WITH THE COUNTY UNDER SPECIFIED CIRCUMSTANCE; AMENDING FINANCIAL DISCLOSURE REQUIREMENTS FOR COUNTY PERSONNEL; REQUIRING RANDOM AUDITS OF FINANCIAL DISCLOSURE REPORTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Section 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(f) Compulsory disclosure by employees of firms doing business with the County. Should any person included in the terms defined in subsections (b)(1) through (6) be employed by a corporation, firm, partnership or business entity in which he>>or she< does not have a controlling financial interest, either himself or through a member of his>>or her<< immediate family and should said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any county agency

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

or be subject to direct regulation by the County or a county agency then said person shall file a sworn statement disclosing such employment and interest or retention information> with the Clerk of>>the Board of County Commissioners. <<[[the Circuit Court in and for Miami-Dade County.]] >>

>>Additionally, should any person included in subsection (b)(1)(Mayor and County Commissioners)or subsection (b)(5)(departmental personnel) or serving as an Assistant County Manager, Deputy County Manager, assistant, deputy or division department director be employed or retained by a corporation, firm, partnership or business entity that has clients or customers who have substantial business commitments to or from the County or any county agency or be subject to direct regulation by the County or a county agency then said person shall file a sworn statement disclosing the name of the client or customer prior to taking any official action directly affecting the client of the person or entity by whom the person is employed or retained.<<

* * *

(i) Financial disclosure

(1) All persons or firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year, including the July 1st following the last year that the person is in office or held such employment, one (1) of the following:

- (a) A copy of that person's or firm's current federal income tax return; or
- (b) A current certified financial statement on a form of the type approved for use by state or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000) and a short description of each; or
- (c) An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by

the voters on November 2, 1976 and any general law promulgated thereunder shall constitute compliance with this section.

(2) County and municipal personnel. The following County personnel shall [[comply with the filing requirements of Subsection (i)(1 above)]>>file a Statement of Financial Interest. <<: The Mayor and the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Managers; Special Assistants to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade police with the rank of captain, major and chief; building and zoning inspectors. References herein to specified County personnel and boards shall be applicable to municipal personnel and boards that serve in comparable capacities to the County personnel and boards referred to.>> Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes for local officers.<<

(3) Candidates for County and municipal office. All candidates for County and municipal elective office shall comply with the filing requirements of subsection (i)(1) above at the same time that the candidate files qualifying papers.

(4) All persons or firms providing professional services as defined by Section 2-10.4 (1) (a) and (b) of the Code of Miami-Dade County to Miami-Dade County or any municipalities, their agencies or instrumentalities shall comply with the filing requirements of Subsection (i)(1) above within ninety days of the effective date hereof. All persons or firms subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to Section 2-10.4 of the Code of Miami-Dade County shall comply with the reporting requirements of Subsection (i)(1) of this section within thirty days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Failure to comply with the terms hereof by such persons or firms shall render existing contracts voidable and shall automatically void any contracts negotiated and executed subsequent to the effective date of this section where the required information is not furnished within thirty (30) days of the execution of said contract as noted herein.

(5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. >> The Department of Elections shall maintain copies of all county reports in an online database.<< Documents required to be filed

hereunder by municipal persons or consultants shall be filed with the municipal clerk of that entity.

(6) Public disclosure. All documents filed pursuant to this Subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.

(7) Construction. The construction of this Subsection shall be considered as supplemental to and not in substitution of any requirements of Chapter 11, Florida Statutes or any rules and regulations promulgated thereunder.

>>(8) Random Audits. The Ethics Commission shall annually perform random audits of submitted reports. <<

Section 2. If any section, subsection, sentence, cause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word ordinance may be changed to "section", "article" or other appropriate word.

Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

FORM 1**STATEMENT OF****2005**

Please print or type your name, mailing address, agency name, and position below:

FINANCIAL INTERESTS

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

CHECK ONLY IF ☐ CANDIDATE OR ☐ NEW EMPLOYEE OR APPOINTEEFOR OFFICE
USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

PDF 2005

****BOTH PARTS OF THIS SECTION MUST BE COMPLETED******DISCLOSURE PERIOD:**

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (check one):

☐ DECEMBER 31, 2005 OR ☐ SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____**MANNER OF CALCULATING REPORTABLE INTERESTS:**

THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (check one):

☐ COMPARATIVE (PERCENTAGE) THRESHOLDS OR ☐ DOLLAR VALUE THRESHOLDS**PART A -- PRIMARY SOURCES OF INCOME** [Major sources of income to the reporting person]

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person]

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.**INSTRUCTIONS** on who must file this form and how to fill it out begin on page 3.**OTHER FORMS** you may need to file are described on page 6.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc.]

TYPE OF INTANGIBLE

BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts]
NAME OF CREDITOR

ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

SIGNATURE (required):

DATE SIGNED (required):

WHAT TO FILE:

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

Facsimiles will not be accepted.

NOTE:

MULTIPLE FILING UNNECESSARY:

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

FILING INSTRUCTIONS:

WHERE TO FILE:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

State officers or specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312.

Candidates file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

WHEN TO FILE:

Initially, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates for publicly-elected local office must file at the same time they file their qualifying papers.

Thereafter, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

Finally, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment.

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

2005

Please print or type your name, mailing address, agency name, and position below:

LAST NAME — FIRST NAME — MIDDLE NAME:

MAILING ADDRESS:

FOR OFFICE USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

CITY:

ZIP:

COUNTY:

NAME OF AGENCY:

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PDF 2005

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2005, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of _____, 20__ was \$ _____.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ _____.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)

VALUE OF ASSET

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2005 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2005 federal income tax return. [If you check this box and attach a copy of your 2005 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of

_____, 20__ by _____

(Signature of Notary Public--State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE _____

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

